

REMARKS

Claims 1-11 have been amended herein. Claims 12-44 have been withdrawn herein without prejudice. Claims 45-54 have been added. Claims 1-11, 45-54 are now pending in the Application.

Claim 4 has been placed in independent form with no change in scope. New claims 45 and 46 depend from claims 9 and 10 respectively and recite that "the sheet dispenser comprises a cash dispenser." New claim 47 is an independent method claim of corresponding scope as claims 1 or 10. New claims 48-54 depend from claim 47. Support for the new claims is found in the Specification, Drawings and original claims. No new matter has been added. Entry of the amendment is respectfully requested. Reconsideration is respectfully requested.

The Pending Claims Are Not Anticipated by the Applied Art

Claims 1-11 were rejected under 35 U.S.C. § 102(e) as being anticipated by Coutts, et al., U.S. Patent No. 6,311,165 ("Coutts").

These rejections are respectfully traversed.

The Applied References Do Not Disclose or Suggest the Features and Relationships Recited in Applicants' Claims

Anticipation pursuant to 35 U.S.C. § 102 requires that a single prior art reference contain all the elements of the claimed invention arranged in the manner recited in the claim. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983).

Anticipation under 35 U.S.C. § 102 requires in a single prior art disclosure, each and every element of the claimed invention arranged in a manner such that the reference would literally infringe the claims at issue if made later in time. *Lewmar Marine, Inc. v. Barient, Inc.*, 822 F.2d 744, 747, 3 USPQ2d 1766, 1768 (Fed. Cir. 1987).

Anticipation by inherency requires that the Patent Office establish that persons skilled in the art would recognize that the missing element is necessarily present in the reference. To establish inherency the Office must prove through citation to prior art that the feature alleged to be inherent is "necessarily present" in a cited reference. Inherency may not be established based on probabilities or possibilities. It is plainly improper to reject a claim on the basis of 35 U.S.C. § 102 based merely on the possibility that a particular prior art disclosure could or might be used or operated in the manner recited in the claim. *In re Robertson*, 169 F.3d 743, 49 U.S.P.Q. 2d 1949 (Fed. Cir. 1999).

**The Features Recited in Applicants' Claims
Patentably Distinguish Over Coutts**

In the Action claims 1-11 were rejected under 35 U.S.C. § 102(e) as being anticipated by Coutts. These rejections are respectfully traversed. Applicants response to these rejections is based on the Office's referenced interpretation of Coutts. Thus, any change in the Office's interpretation of Coutts shall constitute a new ground of rejection.

Applicants traverse these rejections on the grounds that the Coutts reference does not contain all the elements of the claimed invention arranged in the manner recited in the claims.

The features and relationships recited in Applicants' claims patentably distinguish over the Coutts reference.

Claim 1

Amended claim 1 is an independent claim which is directed to an automated transaction machine. It is respectfully submitted that Coutts does not disclose or suggest as recited in claim 1 the following features:

- the second transaction function device is operative to communicate a device driver from the second transaction function device to the data store for storage in the data store;
- the first transaction function device is operative to access the device driver from the data store; and
- the device computer processor associated with the first transaction function device is operative responsive to the device driver to interact with the second transaction function device in carrying out a financial transaction with the automated transaction machine.

The action alleges that Coutts teaches "that the device computer processor associated with the second transaction function device is operative to cause the driver to be stored in the data store" and "the device computer processor associated with the first transaction function device is operative to acquire the driver from the data store". Applicants disagree.

Nowhere in Coutts is it disclosed or suggested that a transaction function device of an ATM or an automated transaction machine is operative to communicate a device driver from the

device to a data store. Rather Coutts teaches only the opposite direction of communication in which devices only download software from a server (Column 3, lines 60-63; Column 8, lines 51-52; Column 9, lines 45-46). Coutts does not disclose or suggest unloading software from a device to the server or any other data store. Further Coutts specifically teaches away from communicating device drivers from devices to a data store by stating that "software modules are not first downloaded to an intermediate location and then copied to the peripherals 64 from the intermediate location" (Column 21, lines 25-27). Nowhere in Coutts is it disclosed or suggested that the server of Coutts or any other data store receives device drivers for transaction function device from the transaction function devices.

Further, nowhere in Coutts is it disclosed or suggested that other transaction function devices of an ATM or automated transaction machine are operative to access device drivers from a data store which were communicated to the data store from other transaction function devices in the ATM or automated transaction machine. In addition, nowhere in Coutts is it disclosed or suggested that a transaction function device is operative responsive to the device driver accessed from the data store to interact with the transaction function device that originally communicated the device driver to the data store.

Coutts does not disclose or suggest each and every element of the claimed invention arranged in the manner recited in the claims, as is required to sustain the rejection. Hence, Applicants' claim 1 patentably distinguishes over the Coutts reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 102(e) rejection has been overcome. It follows that claims 2, 3, 6-9, and 44 which depend from claim 1 are likewise allowable.

Claim 4

Claim 4 has been amended to be in independent form with no change in scope. Claim 4 is directed to an automated transaction machine. Similarly as discussed previously with respect to claim 1, Coutts does not disclose or suggest:

- the device computer processor associated with the second transaction function device is operative to cause the driver to be stored in the data store; and
- the first transaction function device interacts with the second transaction function device responsive to operation of the driver.

Nowhere in Coutts is it disclosed or suggested that a transaction function device of an ATM or automated transaction machine is operative to cause a driver to be stored in a data store. Further nowhere in Coutts is it discloses or suggested that another transaction function device of the machine interacts responsive to operation of the driver with the transaction function device that caused the driver to be stored in the data store.

Coutts does not disclose or suggest each and every element of the claimed invention arranged in the manner recited in the claims, as is required to sustain the objection. Hence, Applicants' claim 4 patentably distinguishes over the Coutts reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 102(e) rejection has been overcome. It follows that claim 5 which depends from claim 4 is likewise allowable.

Claim 10

Amended claim 10 is an independent claim which is directed to an automated transaction machine. It is respectfully submitted that Coutts does not disclose or suggest as recited in claim 10 the following features:

- the first transaction function device is operative to communicate a device driver from the first transaction function device to the at least one other transaction function device; and
- the at least one of the device computers of the at least one other transaction function device is operative responsive to the device driver communicated from the first transaction function device to communicate with the first transaction function device.

Nowhere in Coutts is it disclosed or suggested that a transaction function device of an ATM or automated transaction machine is operative to communicate a device driver to at least one other transaction function device in the machine. Further, nowhere in Coutts is it disclosed or suggested that the transaction function device receiving the device driver is operative response to the device driver to communicate with the transaction function device that communicated the device driver to it.

Coutts does not disclose or suggest each and every element of the claimed invention arranged in the manner recited in the claims, as is required to sustain the objection. Hence, Applicants' claim 10 patentably distinguishes over the Coutts reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 102(e) rejection has been overcome. It follows that claims 11 and 45 which depend from claim 10 are likewise allowable.

The New Claims

New claims 45 and 46 depend from claims 10 and 9 respectively. New claim 47 is an independent method claim and recites steps corresponding to the features recited in independent claims 1 or 10. New claims 48-54 depend from claim 47.

These claims recite features, relationships and steps recited in the original claims and are allowable for at least the same reasons. As nothing in the cited art discloses nor suggests the features, relationships, and steps that are specifically recited in the new claims, it is respectfully submitted that the new claims are allowable as well.

Additional Claim Fees

Please charge the fees associated with prosecution of two additional independent claims in excess of three (\$172) and ten additional total claims (\$180) and any other fee due, to Deposit Account No. 09-1428 (InterBold).

Conclusion

Each of Applicants' pending claims specifically recites features and relationships that are neither disclosed nor suggested in any of the applied art. Furthermore, the applied art is devoid of any such teaching, suggestion, or motivation for combining features of the applied art so as to produce Applicants' invention. Allowance of all of Applicants' pending claims is therefore respectfully requested.

The undersigned will be happy to discuss any aspect of the Application by telephone at the Examiner's convenience.

Respectfully submitted,



Ralph E. Jocke Reg. No. 31,029
231 South Broadway
Medina, Ohio 44256
(330) 722-5143